

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ZOEY ELIZABETH OLMSTEAD,
PETER JAMES McGOVERN, and
ELIZABETH ANN McGOVERN,

Plaintiff,

v.

CENTRAL WASHINGTON
UNIVERSITY,

Defendants.

NO: 1:16-CV-3018-TOR

ORDER GRANTING STIPULATED
MOTION

BEFORE THE COURT is the parties' Stipulation for Leave to Amend
Plaintiffs' First Amended Complaint, Dismiss Plaintiffs' Federal Claims with
Prejudice and Remand State Law Claims (ECF No. 13).

Pursuant to the parties' stipulation, Plaintiffs' federal claims alleging
violations of Title IX of the Education Amendments of 1972 Act, 20 U.S.C. §
1681, and of the Civil Rights Act, 42 U.S.C. § 1983, et seq., are dismissed with
prejudice. The Second Amended Complaint for Injunction, Mandatory Injunction,

1 and Damages—attached to the parties’ stipulation, ECF No. 13-1, and which
2 implements this dismissal—is accepted as filed.

3 As the parties have agreed to dismiss all claims over which this Court had
4 original jurisdiction, this Court declines to exercise its supplemental jurisdiction
5 over the remaining state law claims. *See* 28 U.S.C. § 1367(c)(3); *United Mine*
6 *Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966) (“[I]f the federal claims are
7 dismissed before trial . . . , the state claims should be dismissed as well.”). This
8 case is remanded to the Kittitas County Superior Court for all further proceedings.

9 **ACCORDINGLY, IT IS ORDERED:**

10 1. Plaintiff’s federal claims alleging violations of Title IX of the
11 Education Amendments of 1972 Act, 20 U.S.C. § 1681, and of the Civil Rights
12 Act, 42 U.S.C. § 1983, et seq., are **DISMISSED** with prejudice.

13 2. Plaintiffs are **GRANTED** leave to amend their pleading. The Second
14 Amended Complaint for Injunction, Mandatory Injunction, and Damages is
15 accepted as filed. *See* ECF No. 13-1.


16 3. This case is **REMANDED** to the Kittitas County Superior Court,
17 State of Washington, for all remaining proceedings.

18 4. Pursuant to the parties’ stipulation, neither party shall recover costs or
19 fees from the other as a result of the dismissal of the federal claims or remand to
20 state court.

1 5. The District Court Executive is directed to enter this Order, provide
2 copies to counsel, mail a certified copy of this Order to the Clerk of the Kittitas
3 County Superior Court, and **CLOSE** the file.

4 **DATED** May 6, 2016.




THOMAS O. RICE
Chief United States District Judge

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